IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 31ST AUGUST 2007 / 9TH BHADRA 1929

Bail Appl..No. 5223 of 2007

(CRIME NO. 172 OF 2005 OF MAVELIKKARA POLICE STATION.
CC.683/2005 of J.M.F.C.,MAVELIKKARA)

PETITIONER/1ST ACCUSED

BALAGANGADHARAN, S/O CHELLAPPAN PILLAI,
AGED 40 YEARS, KALLOOR HOUSE(NANDANAM),
ARANNOOTTIMANGALAM, MAVELIKKARA TALUK.

BY ADV. SRI.R.PADMAKUMAR

RESPONDENT/ COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI NOBLE MATHEW.

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 31/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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BAIL APPLICATION No. 5223 OF 2007

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Dated this the 31st August, 2007

O R D E R

This application is filed by the first accused in C.C.No. 683 of 2005 on the file of the Court of the Judicial Magistrate of the First Class, Mavelikkara . The petitioner is accused of having committed offences punishable under sections 323, 324, 427 and 354 of the Indian Penal Code. The defacto complainant is the wife of the petitioner's direct brother. It is stated that the petitioner had sustained stab injury in the incident which took place several years back. It is further stated that after the incident, relatives interfered and both the cases were settled. Intimation was also given to the Sub Inspector of Police . The petitioner thereafter left India on 05.05.2005 believing that the cases were settled. Now the petitioner came to India on leave on 17.08.2007 and then only came to know that non-bailable warrant was issued against the petitioner in C.C. NO. 683 of 2005.

2. Learned counsel for the petitioner submits that the matter is settled between the parties and that even an application for compounding the offence can be filed before the court below. He also submits that the matter now stands posted to 25.09.2007 before the Adalat.

3. In the facts and circumstances of the case, I am inclined to grant the relief prayed for in this Bail Application. At the same time, the petitioner shall appear before the court below within a period of one month from today. If he appears and makes an application for recalling the warrant and for grant of bail, the court below shall dispose of the same on the date of moving the application . The court below shall taken into account the fact that the disputes between the parties have been settled. In the event of arrest of the petitioner within the aforesaid period of one month, he shall be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only). It is made clear that the direction in respect of the anticipatory bail shall be effective only for a period of one month.

The Bail Application is disposed of as above.

K.T. SANKARAN,
JUDGE.

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